Supreme Court, U.S.
FILED

98 213 MAY 26 1998

OFFICE OF THE CLERK

No._____

In the

Supreme Court of the United States

October Term, 1998

Solomon J. Upshaw Pro Se

Petitioner,

vs.

Jeffrey M. Bond Et Al.

Respondent.

UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT, PHIL., PA 19106
PETITION FOR WRIT OF CERTIORARI

Solomon J. Upshaw
49 Cookson Terrace
Mattapan, MA 02126
617-296-9671

29 pp

QUESTION(S) PRESENTED

Can Title claim by Adverse Possession deprived Land or property without a judicial trial and just compensation or due process of law?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject is as follows:

Attorney General Office, Hughes Justic Complex, 25 Market Street, Trenton, New Jersey 08625.

New Jersey Governor, Christine Todd Whitman, 125 West State Street, P.O. Box 001, Trenton, New Jersey

Respondents: Richard Pillar, and John Doe (unknown).

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TABLE OF AUTHORITIES CITED

CASES:

Ralph Ranalli, Appeals court rips ruling in perjury case, Boston Herald, April 20, 1998, at 20.

U.S. Const. amend. XIV § 1
U.S. Const. amend. V.
U.S. Const. art. III. § 2., ¶ 2.

Edward C. Smith, William R. Barnes, Samuel Smith, The Constitution of the United States 61 (Edward C. Smith, ed., Barnes & Noble 19968)(1936)

STATUTES AND RULES:

The Constitution of the United States, fifth and fourteenth Amendments, and Article III., section 2., ¶ 2., Supreme Court original jurisdiction in which a state shall be party.

New Jersey Real Estate law chapter 8 § 8.12, title by Adverse possession.

OTHER:

See copy of survey of property, Lot 23, Block 154.32 sketch.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1998

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix ___ to the petition and is
[ ] reported at _____; or,
[ ] has been designated for the publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix ___ to the petition and is
[ ] reported at _____; or,
[ ] has been designated for the publication but is nor yet reported; or,
[ ] in unpublished.

[ ] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix __ to the petition and is
[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at appendix ___to petition and is
[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[x] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was May 14, 1998.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the follow date: May 14, 1998, and a copy of the order denying rehearing appeared at Appendix A.

[ ] An extension of time to file the petition for a writ of certiorari granted to and including _____(date) on _____(date) in Application No. A- _____.

The jurisdiction of this Court is involved under U.S.C.§ 1254(1).

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix_____.

[ ] A timely petition for rehearing was thereafter denied on the following date:_____, and a copy of the order denying rehearing appears at Appendix____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____(dated) in Application No. A-_____.

The jurisdiction of this Court is involved under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:

THE CONSTITUTION PROVISION OF THE CONSTITUTION OF THE UNITED STATES, AMENDMENT V:

> No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or navel forces, or in the militia, when in actual services, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;

nor shall private property be taken for public use without just cause.

THE CONSTITUTION PROVISIONS OF THE CONSTITUTIONS OF THE UNITED STATES, AMENDMENT XIV. § 1:

All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein the reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

CASE CITED, FEDERAL LEGISLATION DECLARED UNCONSTITUTIONAL BY THE SUPREME COURT:

"Louisville Joint Stock Land Bank V. Badford (1935) Frazier -Lemke Farm Mortgage Act, June, 1934, violated 5th. Amendment (due process of law clause) by taking property without compensation. (Vote unanimous)."

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:

NEW JERSEY REAL ESTATE LAW CHAPTER 8 § 8.12, TITLE BY ADVERSE POSSESSION:

> "Title to real property may be acquired by adverse possession continued for such a period as to raise a presumption of a lost grant ... Adverse possession is the open and hostile possession of land under claim of title to the exclusion of the owner, which, if continued for the period prescribed by statue, ripens into an actual title... The foundation of title by adverse possession is the failure of the true owner to commence an action for the recovery of the land involved within the period designated by the statute.[1]"

Adverse possession is a concept which is almost exclusively whereas prescription has developed by the common law.[2]

In New Jersey, the true owner of real estate has a cause of action in adverse possession. And the true owner must bring that action within 20 years after the accrual of the right or title on which he or she basis his or her claim of true ownership.[3] In addition, every person having any right of title or right of entry to real estate must enter within 20 years after accrual of the right, or be thereafter barred.[4]

The adverse possession statue vest a full and complete right and title in every actual possessor following uninterruptedly continued possession by occupancy,

descent, conveyance or otherwise:

(a) for 30 years of any real estate except woodlands or uncultivated tracts and

(b) for 60 years of woodlands or uncultivated tracts. Such possession is a bar to all claims which may be made for the recovery of any such real estate, woodlands or uncultivated tracts.[5]

The time period, however, is thirty years for actual possession by occupancy, descent, conveyance or other wise founded upon a right recorded in the office of the surveyor general.

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§ 8.12

[1] C.J.S. Adverse Possession § 2.

[2] Bredham v. Holfester, 32. N.J. Super. 419, 108 A.2d 458 (app. Div. 1954); overruled on the grounds in Mannillo v. Gorski, 54 N.J. 378, 255 A..2d 258 (1969).

[3] N.J.S.A. 2A: 14-7.

[4] N.J.S.A. 2A: 14-6.

[5] N.J.S.A. 2A; 14-30

STATEMENT OF THE CASE

Appellant/Petitioner SOLOMON J. UPSHAW OWN ADJACENT WOOLANDS TRACT OF LAND BLOCK 154.32 LOT 23 BOUNDARY LINE THAT BLOCK 154.32 LOT IS ADJACENT TO THE BOUNDARY LINE THAT SEPARATE THE TWO WOODLANDS TRACT OF LAND. BLOCK 154.232 LOT 22 IS OWNED BY APPELLEE/RESPONDENT JEFFREY M. BOND. THE SEPARATE WOODLANDS TRACTS OF LAND ARE IN JACKSON TOWNSHIP NEW JERSEY, OCEAN COUNTY.

THE BEGINNING OF A DIRT DRIVE ON BLOCK 154.32 LOT 22 CONTINUES BEYOND THE BOUNDARY LINE THAT SEPARATE THE TWO WOODLANDS TRACT OF LAND. THE DIRT DRIVE CONTINUES 400 FEET MORE OR LESS ON BLOCK 154.32 LOT 23, AND THE DIRT DRIVE CONTINUES BEYOND THAT BOUNDARY LINE ON TO BLOCK 154.32 LOT 22. THE RESPONDENTS HAVE A LOCK AND CHAIN ACROSS THE DIRT DRIVE. THERE ARE NO INGRESS OR EGRESS RIGHT OF WAY OR EASEMENTS OF RECORD PERMITTING ACCESS TO ACROSS BLOCK 154.32 LOT 23, FOR A DRIVEWAY OR ANY TYPE OF ACCESS FOR BLOCK 154.32 LOT 22 OR ANY OTHER LOT.

BY INSPECTION OF MOTOR VEHICLE USED THE DIRT DRIVE ON BLOCK 1543, 154.32 LOT 22 CONTINUES BEYOND THE BOUNDARY LINE OF BLOCK 154.32 LOT 23, 400 FEET MORE OR LESS AND CONTINUES BEYOND THE BOUNDARY LINE ON TO BLOCK 154.32 LOT 22.

Plaintiff Solomon Upshaw filed complaint, and motion for order in United States District Court prohibition claim title by adverse possession that deprived land or property without a judicial trial, and just compensation or due process of law, rather than purchase. Federal District Court ordered motion dismissed 12-3-97 and 1-20-98.

Federal District Court order dismissed, appealed to United States Court of Appeals for court order prohibition Respondents claim title by adverse possession that deprived land or property without a judicial and just compensation or due process of law rather than purchase. Ordered appeal dismissed 4-23-98, and rehearing en banc denied 5-14-98.

United States Court of Appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

REASONS FOR GRANTING THE PETITION

United States Court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

United States Court of Appeals erroneous construction provisions of the Constitution of the United States in the third circuit that excluded evidences by ordered motion dismissed, prohibition claim title by adverse possession that deprive land property without a judicial trial and just compensation or due process of law, ordered dismissed motion for order prohibition respondents claim title by adverse possession excluded evidence and remedies for rights violated under the fourteenth Amendment, and fifth Amendment.

The New Jersey Real Estate law chapter 8 section 8.12 title at Adverse possession of land or property are in conflict with my rights to own land or property under the fourteenth Amendment of the Constitution of the United States. The law is unconstitutional. The law violated my rights under the fifth Amendment. The question is one of New Jersey state law, the Supreme Court of the United States, Article III, § 2. ¶ 2., of the Constitution, in all cases... "state," a party, the Supreme Court shall have original jurisdiction.

See copy of Boston Herald, April 10, 1998 Federal appeals court ripped lower court's (Federal District Court) decision to exclude key evidence, unconstitutionally denied rights to due process of law. The judge read one side's paper and refused to hear the other side.

In my case in the first circuit Federal District Court, the judge allow one side of my Interstate Commerce Commission property broker's trust fund Agreement under 49 U.S.C. 10927 or notice of cancellation of the agreement. The judge excluded my rights under the jurisdiction of I.C.C. laws.

"Unconstitutionally, I.C.C. Termination Act, Pub. L. No. 104-88, Stat. 803 (1995), that act directed against I.C.C. Brokers are a Bill of Attainder and Ex Post Facto Act, and violated my rights under Article l. § 1., § 9., § 10., and fourteenth and fifth Amendments under the Constitution of the United States. This Act delegated legislation to President of the U.S., and persons. This case should be decided by the Supreme Court, the case, appeal from Federal District Court to U.S. Court of Appeals, first circuit."

Upon consideration of the Constitution provisions and rights in conflict with New Jersey law, claim title by adverse possession of land or property are reasons for the exercise of the Court's discretionary jurisdiction. Having the Supreme Court decide the question, the decision has national importance for land or property to others similarly situated. Prohibition claim title by adverse possession that deprived land or property without a judicial trial and just compensation or due process of law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Solomon Upshaw

Date: 5-20-98

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 98-110

SOLOMAN J. UPSHAW
Appellant
v.
JEFFREY M. BOND, ET AL

SUR PETITION FOR REHEARING

Present: BECKER, Chief Judge, SLOVETER,
STAPLETON,MANSMANN,
GREENBERG, SCIRICA, COWEN,NYGAARD,
ALITO, ROTH, McKEE, and RENDELL, Circuit Judges

The petition for rehearing filed by appellant in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority or the circuit judges of the circuit in regular active service not having voted for rehearing by the court en banc, the petition for rehearing is denied.

By the Court
s/_____
Circuit Judge

Dated: May 14, 1998
LRB/CC:SJU

CPS-175 April 2, 1998

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No.. 98-5110

SOLOMON J. UPSHAW

vs.

JEFFREY M. BOND, ET AL.

(D. N.J. CIV. NO. 97-cv-03664)

Present: SLOVITER, MANSMANN and ALITO, CIRCUIT JUDGES

Submitted are:

(1) By the Clerk for possible dismissal due to a jurisdiction defect; and

(2) Appellant's jurisdictional response in the above-captioned case.

Respectfully,

Clerk

PDS/_____ ORDER_____

The foregoing appeal is dismissed for lack of jurisdiction as the order appealed from is not applicable at this time. See 28 U.S.C. §§ 1291, 1292(a)(1). An order dismissing a complaint without prejudice is not final and appealble unless the plaintiff cannot amend or declares an intention to stand on the complaint. See Borelli v. City of Reading, 532 f.2d 950, 951-52 (3d cir. 1976).

s/_____ Circuit Judge

Dated: APR 23, 1998 / LRB/CC:SJU

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SOLOMON J. UPSHAW,	)	Civil No. 97-3664 (AET)
Plaintiff	)	
v.	)	ORDER
JEFFREY M. BOND,	)	
RICHARD PILLAR, and	)	
JOHN DOE	)	
Defendants	)	
	)	

This matter having come before the Court on plaintiff's motion for a default judgment pursuant to Fed. R. Civ. P. 55(a); and it appearing that no record of default in this case has been entered with the Clerk's Office; and for other good cause shown;

It is on this day of December 1997;

ORDERED that plaintiff's motion is dismissed without prejudice.

s/_____
ANNE E. THOMPSON, CHIEF JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SOLOMON J. UPSHAW, Plaintiff v. JEFFREY M. BOND, RICHARD PILLAR, and JOHN DOE Defendants	)	Civil No. 97-3664 (AET) ORDER

This matter having come before the Court on plaintiff's motion for a default judgment pursuant to Fed. R. Civ. P. 55(a); and the Court being unable to decipher either the factual circumstances or the legal arguments from the moving papers and therefore being unable to properly respond to plaintiff's motion; and for good cause shown;

It is on this 20th day of January 1998;

ORDERED that plaintiff's motion is dismissed without prejudice.

s/_____
ANNE E. THOMPSON, CHIEF JUDGE

ORIGINAL FILED
JAN 20 1998
WILLIAM T. WALSH, CLERK

UNITED STATES COURT OF APPEALS
PHILADELPHIA PENNSYLVANIA

SOLOMON J. UPSHAW	)	
Appellant/Petitioner	)	
V.	)	
JEFFREY M. BOND,	)	
RICHARD PILLAR	)	DOCKET No. 98-5110
JOHN DOE, (UNKNOWN)	)	
NEW JERSEY ATTORNEY	)	
GENERAL OFFICE,	)	
Appellee/Respondants	)	

Petition is hereby given that Solomon J. Upshaw, Appellant/petition above named, hereby petition for rehearing in Banc before the panel. Petition pursuant to Federal Rules of Appellate Procedure, request both panel.

The appeal involves a question of exceptional importance to wit: Title claim by adverse possession deprive land without due process of law and just compensation under New Jersey law?

28 U.S.C. § 2403 (C) may apply.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SOLOMON UPSHAW,	)
PLAINTIFF,	)
	) FILE NUMBER 97-3664
V.	) (AET)
	)
JEFFREY M. BOND,	) NOTICE OF APPEAL
RICHARD PILLAR,	)
JOHN DOE,	)
DEFENDANTS.	)

NOTICE IS HEREBY GIVEN THAT SOLOMON UPSHAW, PLAINTIFF ABOVE NAMED, HEREBY APPEALS TO THE UNITED STATES COURT OF APPEALS FOR THE 3RD CIRCUIT FROM THE ORDER FOR INJUNCTION PURSUANT TO RUL E65(A) OF FEDERAL RULES OF CIVIL PROCEDURE AGAINST THE DEFENDANTS ADVERSE POSSESSION OF LAND OWN BY THE PLAINTIFF ENTERED IN THIS ACTION ON THE 20TH DAY OF JANUARY 1988.

s/(S)_____

49 COOKSON TERRACE
MATTAPAN, MA 02126-2550
ph. 617-296-9671

ORIGINAL FILED FEB 3, 1998
WILLIAM T. WALSH, CLERK

APPEALS COURT RIPS RULING IN PERJURY CASE

By Ralph Ranalli

Boston Herald, Friday, April 10, 1998

Federal appeals court judges yesterday ripped a lower court's decision to exclude key evidence in the trial of a man believed to know who murdered Northwest Airlines baggage handler Susan Taraskiewicz.

The judges had unusually strong words to question whether U.S. District Court Judge Edward F. Harrington unconstitutionally denied federal prosecutors of their right to due process.

"Apparently an important criminal ruling was made by a judge who read one side's paper and refused to hear the other side. That's nor how our system works." First Circuit Judge Bruce R. Selya said during arguments yesterday.

Harrington tried to start the perjury trial of fellow baggage handler Robert Brooks, 37, in February despite pleas by federal prosecutors that they be allowed to appeal a ruling by Harrington, which they said "gutted" their case. The trial was halted just after opening arguments when the higher court issued a stay.

Brooks is charged with lying to a grand jury about conversations he had with colleague Joseph Nuzzo, the prime suspect in Taraskiewicz's 1992 murder. But minutes before trial, Harrington ruled that much of the information and evidence concerning Nuzzo would be excluded, based on a motion from defense lawyer James Krasnoo.

Yesterday, Assistant U.S. Attorney David J. Apfel

asked for a new trial and doe the higher court to bounce Harrington.

"You want a new ball game in a new ballpark, is that right?" Justice Hugh H. Bownes asked Apfel.

"That's exactly right," the prosecutor replied.

Taraskiewicz's mother, Marlene Taraskiewicz's, who attended the arguments, said the technical legal arguments were tough to follow, but that she was encourage by the judges' words. She also said she hoped Brooks would reconsider going to trial.

"I know in my heart that he (Brooks)knows about the murder," she said "I hope for his sake that... he tells what he knows and helps convict my daughter's killer. That would be justice."

April 23, 1998

United States Court of Appeals for the Third Circuit

To: Mr. Solomon J. Upshaw

NOTICE OF ORDER

A Case Dispositive Order was entered today in case No. 98-5110 and a copy is enclosed herewith. If you wish to seek review by the Court of the Court's order, you may file a petition for rehearing. The procedure for filing a petition for rehearing is outlined below.

PETITION FOR REHEARING

(FRAP 40 and Third Circuit LAR 35 and IOP Chapter 9

Rehearing by the Court in banc pursuant to Rule 40, Federal Rules of Appellate Procedure, is not favored. Third Circuit LAR 35.4. In regard to when rehearing byh the court in banc might be granted, your attention is specifically directed to Third Circuit IOP Chapter 9:

IOP 9.3 Criteria for Rehearing in Banc.

IOP 9.3.2 This court strictly follows the precept of Rule 35(a), Federal Rules of Appellate Procedure and Local Appellate Rule 35.4, that rehearing in banc is not favored and will not be ordered unless consideration by the full court is necessary to secure or maintain uniformity of its decisions or the proceeding involves a question of exceptional importance.

IOP 9.3.2 This court does not ordinarily grant rehearing in banc when the panel's stratement of the law is correct and the controverted issue is solely the application of the law to the circumstances of the case.

IOP 9.3.3 Rehearing in banc is ordinarily not granted when the only issue presented is one of state law.

Nor, except in rare cases, has the court granted rehearing in banc where the case was decided by a judgment order, a memorandum opinion, or unpublished per curiam opinion.

IOP 9.5 Rehearing In Banc on Petition by Party.

IOP 9.5.1 It is presumed that a petition for rehearing before the panel or suggestion for in banc rehearing filed by a party as provided by Rule 35 (b) or 40 (a), Federal Rules of Appellate Procedure, requests both panel rehearing and rehearing in banc, unless the petition for panel rehearing under Rule 40 (a) states explicitly that it does not request in banc rehearing under Rule 35 (b).

Statement of Counsel

Where the party petitioning for rehearing in banc is represented by counsel, pursuant to Third Circuit LAR 35.1 the petition shall contain, so far as is pertinent, the following statement of counsel:

"I express a belief, based on a reasoned and studied professional judgment, that the panel decision is contrary to decisions of the United States Court of Appeals for the Third Circuit or the Supreme Court of the United States Court of Appeals for the Third Circuit or the Supreme Court of the United States, and that consideration by the full court is necessary to secure and maintain uniformity of decisions in this Court, to-wit, the panel's decision is contrary to the decision of this Court or the

Supreme Court in [citing specifically the case or cases],
Or, that this appeal involves a question of exceptional importance, to-wit[set forth in one sentence]."

The filing of petitions for rehearing or rehearing in banc is not favored. Rule 35, Federal Rules of Appellate Procedure and Third Circuit LAR 35.4. Counsel is reminded that a duty is owed to the Court commensurate with that owed to their clients not to file petitions for rehearing in banc which do not meet the rigorous requirements of Rule 35, Federal Rules of Appellate Procedure and Third Circuit LAR 35.1.

Attachments — Pursuant to Third Circuit LAR 32.3(b) and 35.2 attached to each petition for rehearing must be a copy of the judgment, order or decision of the Court as to which rehearing is sought and any memorandum or opinion of the court stating the reasons therefor.

Filing — A petition for rehearing may be filed within 14 days of the date the Court's judgment or final decision was entered on the docket unless the appeal is a civil case in which the United States is a party. Rule 40(a), Federal Rules of Appellate Procedure. In a civil case in which the United States is a party, any peti-

tion for rehearing must be filed within 45 days of entry of the Court's final judgment or decision. Id. **These filing deadlines are calculated from the date of the enclosed order.** No extension will be granted save for the most compelling reasons. The petition must be received in the Clerk's office within the time permitted for filing a petition. A petition is filed as of the date of receipt and **not** of mailing.

Pursuant to Rule 35 (c), Federal Rules of Appellate Procedure, any request for rehearing by the Court in banc must be filed at the same time that a petition for panel rehearing is filed. Neither the Court's rules nor its Internal Operation Procedures allow a process in which a subsequent request for rehearing in banc is filed after a petition for panel rehearing has been denied.

Form, Answer

The 15-page limit allowed by the Rule shall be strictly observed. This page limit will also be applied to any answer that the Court may request be filed.

A petition for rehearing, and any answer thereto, must comply with the requirements of Rule 32 (a), Federal Rules of Appellate Procedure and Third Circuit LAR 32.1 as to form, typeface, spacing, footnotes, etc. Colored covers are not required.

The petition shall state with particularity the points of law or fact which in the opinion of

the petitioner the court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present. No answer to a petition for rehearing will be received unless requested by the court. Rule 40 (a), Federal Rules of Appellate Procedure. Oral argument in support of the petition will not be permitted.

Number of Copies

An original and 15 copies of a petition for rehearing before the Court in is required.

An original and 3 copies of a petition for rehearing before the original panel is required.

Certificate of Service for Institutional or Incarcerated Litigant

Certification of Service

In addition to including a certificate of service, all litigants who are currently institutionalized or incarcerated would include the following statement on all documents to be filed with this Court:

I certify that this document was given to prison officials on [ ] for forwarding to the Court of Appeals. I certify under penalty of perjury that the foregoing is true and correct.
28 U.S.C. Sec. 1746.

P. DOUGLAS SISK, Clerk

s/_____

By: Lenore R. Benoit, Case Manager
Direct Dial 215-597-4495

Enclosure Rev. 1/95